



an amended answer, acknowledging that they did have knowledge of an investigation. **(Doc. 88, p. 15)**. Defendants explain that they initially lacked sufficient knowledge of the issue, but during the discovery process, they confirmed the fact of the allegation regarding the investigation and amended their answer accordingly. **(Doc. 89)**.

The Court does not perceive that the defendants' initial answer was made in bad faith. The defendants did not deny the allegation; rather, they indicated they lacked knowledge, which is often the case at the initial pleading stage. Therefore, no sanction is warranted.

Insofar as plaintiff seeks information about the investigators and photos and reports, he must propound a proper discovery request upon the defendants. Although plaintiff asserts that he has done so to no avail, he has not submitted his discovery request(s) and the defendants' response(s), as required by Local Rule 26.1(b)(3). Therefore, a motion to compel is not properly before the Court.

**IT IS THEREFORE ORDERED** that the subject motion **(Doc. 87)** is **DENIED** in all respects.

**IT IS SO ORDERED.**

**DATED: September 12, 2008**

**s/ Clifford J. Proud**  
**CLIFFORD J. PROUD**  
**U. S. MAGISTRATE JUDGE**